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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 17

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11068 (E)

1. Human Rights Watch wishes to call the attention of the members of the United Nations Commission on Human Rights to three countries where the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been involved through technical cooperation and advisory services programmes.

Cambodia

2. Human Rights Watch strongly endorses the OHCHR office in Cambodia, which plays an essential role in investigating and documenting abuses, and urges the Commission to extend its mandate. We also appreciate the efforts of the Secretary-General's Special Representative, Thomas Hammarberg, and of High Commissioner for Human Rights, Mary Robinson, during their respective visits to Cambodia.

3. The climate of fear and absence of official accountability for serious abuses that occurred during and following the 5-6 July 1997 coup are fundamental problems that must be effectively addressed by the Cambodian Government. Major deterrents persist to creating the neutral political environment and human rights conditions in which free, fair and credible elections can take place.

4. Cambodian NGOs are deeply concerned about unfounded attacks on the OHCHR's work by Second Prime Minister Hun Sen, and by his Government's attempts to discredit or close down the Office and to set up a national human rights commission to monitor abuses in its place. We believe the human rights situation is dire enough to warrant as much domestic and international monitoring as possible. But a national commission should not be a substitute for the OHCHR field office and instead should function in tandem with it, so long as the commission is established by law and is genuinely independent of the Government.

5. In the months since the coup, Second Prime Minister Hun Sen has initiated some reforms and made statements that on the surface looked promising. For example, the Government encouraged the return of opposition politicians who fled Cambodia after the coup and pledged that the media and human rights groups could continue to operate.

6. However, despite the documentation and requests for action by the OHCHR and local human rights organizations since 1993, there have been no arrests or punishment of perpetrators of the murders of at least 7 journalists, the attempted murders of 5 other journalists, the violent attacks on several opposition newspaper offices, or grenade attacks on opposition political rallies, including the attack on 30 March 1997 in which 16 people were killed and more than 100 were injured. A detailed report by OHCHR documented more than 40 cases of extrajudicial executions of opposition supporters that took place during and after the coup. But to date neither the Government nor the judiciary has launched an independent inquiry. No one has been charged for these acts.

7. We urge the Commission on Human Rights to call on the Cambodian Government to take the following steps:

(a) Bring to justice those who committed abuses against opposition members last July, as well as persons responsible for violent attacks against journalists, newspaper offices and others;

(b) End all threats and harassment against the Phnom Penh Office of the OHCHR;

(c) Allow the safe return to Cambodia of all political leaders in exile to participate in the elections;

(d) Ensure equal access of all parties running in the election to print and broadcast media;

(e) Ensure that the Electoral Law includes provisions that power will, in fact, be transferred to the winners of the elections. The National Electoral Commission should be reformulated as a truly neutral body with genuine independence and integrity, and the actual individuals nominated to serve on the Commission should be competent, independent and credible.

Colombia

8. Human Rights Watch strongly supports the OHCHR office in Colombia. The international community must continue to support this office, which has raised important issues during its year's work. Experts have travelled throughout the country to investigate reports of abuses and have recommended protective measures when necessary. At a time when many Colombian human rights monitors face danger in their work, the ability and willingness of the United Nations experts to travel and receive first-hand reports are especially important, and should be reflected in the Office's annual report.

9. We commend Mrs. Almudena Mazarrasa, Director of the Office, for her work, and encourage her to continue to develop the mandate of the Office, in particular its duty to observe and report on human rights violations and the Government's progress in implementing and enforcing previous United Nations recommendations. Other endeavours - like advising the Government, the armed forces and other groups within civil society - are important, but should not be considered the only tasks awaiting her attention.

10. Given the continuing complexity and gravity of the human rights situation in Colombia, we also call on the High Commissioner to expand this Office to a total of 12 experts. In addition, we ask the High Commissioner continue to pay sustained personal attention to the human rights situation in Colombia and to travel to Colombia in 1998, to visit the Office and hold meetings with government, military and NGO representatives, and victims of human rights and humanitarian law abuses in Colombia.

11. In addition to the work of the OHCHR field office, the United Nations should continue to demonstrate its concern about Colombia through other mechanisms. We call on the United Nations to continue to send representatives other than those directly connected to the Office to Colombia for periodic visits.

Tajikistan

12. A June 1997 human rights needs-assessment mission to Tajikistan led by the OHCHR concluded that lasting peace was threatened by factors including summary executions, unlawful detention, political persecution and violence against women. The mission recommended posting one or two senior human rights experts in Dushanbe and human rights training for government, military, law enforcement and academic personnel. Also recommended were constitutional and legislative advisory services and the provision of technical assistance to NGO and other personnel active in the protection and promotion of human rights. A mission in November 1997 by the United Nations Development Fund for Women (UNIFEM) called for the creation of an advisory group to the Commission on National Reconciliation, responsible for overseeing the implementation of the peace accord, and a media campaign to educate women and communities about women's rights.

13. Despite a 27 June 1997 peace accord signed by the Government and the United Tajik Opposition (UTO), which ended five years of civil war, widespread human rights abuses in Tajikistan continue amidst political instability and an overall absence of law and order. Human Rights Watch believes that these factors pose an immediate threat to the fragile peace agreement.

14. In the months following the peace agreement, fighting between rival government groups in southern and western Tajikistan resulted in summary executions, abductions, reported rapes and widespread looting. In the capital, Dushanbe, a wave of explosions was accompanied by soaring crime rates, high-profile assassinations of political and academic figures, and brutal murders of ethnic Russians. Unidentified armed attacks on both government and UTO forces, and sporadic clashes between the two, continued through mid-January 1998.

15. Hostage-taking persisted during the year, victimizing Tajiks and internationals. After the February 1997 abduction of international aid personnel and Russian journalists by a rogue militia group, the same group at later intervals took Tajik citizens hostage. In November 1997, it kidnapped two French aid workers based in Dushanbe. During the rescue operation conducted by government security forces, one of the hostages was mortally wounded. Government security forces killed the rogue group's leader, Rivzon Sadirov, immediately afterwards; however, as of this writing, members of his group remain at large and the fate of several of the Tajik hostages remains unknown. The trial of Bahrom Sadirov, accused of leading the February 1997 hostage-taking, as of this writing has not yet been completed. In early January 1998, a UTO field commander took hostage five persons including government representatives.

16. In April 1997 security forces put down a riot in the Khujand prison, which resulted in at least 24 deaths and 35 wounded; unconfirmed reports, however, pointed to substantially higher numbers. An assassination attempt against the President shortly afterward, also in Khujand, led to 2 deaths, over 70 wounded, and widespread arrests. Human Rights Watch believes that government actions in Khujand are associated with a broader effort to

suppress the Khujand-based political opposition. The Government continues to deny the ICRC access to prisons on ICRC terms, and prison conditions remain in many cases life-threatening.

17. The Government continues to severely curb freedom of expression, restricting the activities of those who expressed disagreement with official policies, and exercises near complete control over the electronic media.

18. In view of the seriousness of the human rights situation in Tajikistan, Human Rights Watch emphatically supports the OHCHR and UNIFEM recommendations and calls for them to be implemented as soon as possible. We also urge the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression to conduct investigations and report to the fifty-fifth session of the Commission on Human Rights.

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Item 18 of the agenda

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11015 (E)

1. The Chinese Government insists that it exercises control over religion in accordance with its Constitution, its domestic laws and regulations, and the policies of the Chinese Communist Party. But the controls it uses clearly violate freedom of religion as guaranteed by international human rights instruments, such as the Universal Declaration of Human Rights. China may argue that it respects the right to private belief but it acknowledges no inherent right to engage in public worship, to disseminate religious materials or to manifest a belief in anything other than the five officially recognized religions (Daoism, Buddhism, Islam, Catholicism, and Protestantism), and even there the Government arrogates to itself the right to distinguish between permissible orthodoxy and illegal heterodoxy.

2. Governmental limitations on the right to a public manifestation of one's religious beliefs begin with the requirements that all congregations be registered. For its registration to be accepted, a congregation must have approved professional clergy; a fixed place of worship; and must confine its activities, including evangelism, to a fixed geographical range. An unregistered congregation, by definition, is illegal; a registered congregation agrees to government supervision. Registration is subject to yearly review.

3. The November 1995 Regulations from the Shanghai Religious Affairs Bureau provide a comprehensive review of the kinds of religious activities subject to government regulation and the escalating penalties to which violators are subject. For example, church-run business enterprises require approval; religious debates are banned; religious institutes must "be ready to accept the supervision and directions of the concerned government departments"; religious personnel must seek approval before they can travel to other parts of China for religious purposes; and publication and distribution of literature is subject to "pertinent regulations" which are left undefined. Thus, the Shanghai Guang Qi Research Center had to wait for government approval for many months before it could begin publication of a new catechism. Penalties for organizations begin with warnings and can include fines as high as US$ 7,000 and confiscation of "structures, facilities ... or income". Other municipalities and provinces have similar sets of regulations.

4. The religious regulations are by no means the only ones the Chinese Government relies on to control and persecute religious believers. The Government uses the Law on Assembly and Demonstrations to crack down on meetings, assembly sites, and training classes; urban construction and land codes to close down temples and churches that are not registered with its religious bureaucracy; it uses laws governing printing and publishing to restrict dissemination of religious material; it applies Regulations on the Registration and Administration of Social Organizations and the criminal code to dismantle so-called heterodox sects, that is, groups whose beliefs or practices deviate from the standards set by the arbiters of religious orthodoxy; and the Government uses the State security law to punish religious believers whom the Government believes are using religion to "split" the motherland.

5. A campaign under way in Tongxiang in northern Zhejiang province in 1997 provides an example not only of how a variety of laws are invoked to control religious life, but also of how a municipality mobilizes a variety of government and Party departments to establish a task force to deal with the

alleged problem. In Tongxiang, the Public Security Bureau, the United Front Work Department, religious, propaganda, civil affairs, and education bureaux, judiciary organs, construction agencies, and trade union, youth and women's organizations all had roles in forcing registration, re-educating those engaged in "illegal religious activities", isolating core believers, strengthening supervision of religious affairs, and shutting down illegal sites. The document outlining the campaign made clear that underground clerics and self-styled missionaries who "cannot yet be punished according to the law" should be "placed under strict surveillance". It addressed the matter of minors and party members becoming believers, and finally, it stressed the secret nature of the work.

6. In a similar campaign in Donglai township in Jiangxi province, some of the methods used involved infiltration of schools with strict punishments mandated for students and teachers caught carrying religious materials, the thorough destruction of any underground monastery or convent, and the taking of precautionary measures to ensure that no large-scale gatherings, such as at Christmas, could take place. At such times, residents could neither leave their villages nor receive guests.

7. In the Xinjiang Autonomous Region with its large Muslim population, the methods of religious "rectification" have been similar to those cited above. In Ili County, for example, religious authorities shuttered mosques that had been built without approval, closed privately-run scripture classes, "dispersed" the students, and arrested "illegal" religious activists. There, too, authorities concentrated efforts on putting a stop to the teaching of illicit religious views in public schools.

8. The bulk of Chinese worshippers manifest their beliefs outside the structures of officially recognized religions. Their belief structure and practice, usually termed popular religion, is labelled "feudal superstition" by Chinese authorities. In an effort to weed out long-entrenched practices, such as exorcism, the casting of lots, and healing, and to bring all religious activities under its control, the Government's Religious Affairs Bureau and the Chinese Communist Party's United Front Work Department have banned the building of temples and the erection of Buddhist statues. The two organizations together issued a circular citing as reasons enough for the ban the existence of sufficient authorized religious sites to meet the needs of the population and the parallel existence of some 40,000 unauthorized temples. It is unclear if the unauthorized sites are Buddhist temples or are used by those who prefer to worship in accordance with the indigenous traditions of popular religion.

9. In addition to the outright ban on "feudal superstition", in mid-1996 the Chinese Government authorized a crackdown on sects or cults it labelled as heterodox. An internal document, Some Hot Issues in Our Work on Religion, calls for such sects to be dealt with severely. In one well-known 1997 case, Xu Yongze, leader of the Born Again movement, received either a three- or four-year sentence for "disturbing the public order". To be considered truly repentant, Born Again disciples weep for three days, a practice considered heterodox by some. Han Wenzao, leader of the official Chinese Christian Council, for example, went so far as to say that Xu was not a Christian. The libel and the crackdown speak further to China's attempt to control not only the manifestation of belief but belief itself.

10. The Chinese Government has also forcefully interfered with religious practice in Tibet. In 1995 it seized control of the selection of the Panchen Lama to the extent that the eight-year-old boy (he will be nine in April 1998) chosen by the Dalai Lama is still in "protective custody" in Beijing. Chadrel Rinpoche, the abbot who headed the official search team for the Panchen Lama, is serving a six-year prison term, reportedly in horrendous conditions in a secret compound in Chuangdong No. 3 Prison, Dazu county, Sichuan province. The compound is forbidden to all but three people, two commissars who report directly to the Ministry of Justice and a prisoner who acts as a guard and a cook. Chadrel Rinpoche reportedly is denied all outside contacts and is restricted to his cell. Before Chinese authorities decided to intensify the campaign against the Dalai Lama, they endorsed Chadrel Rinpoche's decision to cooperate with him in the search for the Panchen Lama. After the policy hardening, religious contact with the Dalai Lama was proscribed and the issue became contentious. The Dalai Lama's announcement - pre-emptive so far as the Chinese Government was concerned - that the boy had been identified, was evidence that Chadrel Rinpoche had been in communication with the Dalai Lama.

11. Interference in Tibetan religious affairs takes other forms as well, including political vetting of monastic officials and the expulsion from their monasteries and nunneries of monks and nuns who refuse re-education. Over 150 arrests and at least one death have occurred in connection with the re-education campaign since April 1996.

12. In November 1994, M. Abdelfattah Amor, the United Nations Special Rapporteur on religious intolerance, visited China. His subsequent report made several important recommendations, none of which have been accepted either in principle or practice by the Chinese Government. Human Rights Watch urges that as follow-up, Mr. Amor and Chinese officials begin discussions aimed at bringing China's official religious policy into conformity with international standards. Among the most important of Mr. Amor's recommendations are: amending article 36 of the Chinese Constitution "so that the right to manifest one's religion is recognized along with the already recognized right to freedom of belief", a change in policy so that religious believers may become members of the Communist Party, which is essentially the governing body in China; an extension of protection to those whose belief structure falls outside the scope of officially recognized religions; and an end to surveillance of believers. Human Rights Watch believes that the registration requirement; the imposition of criminal and financial sanctions for those who worship outside the aegis of official control; the vetting of religious personnel; and, in Tibet, the expulsion of monks and nuns who, so far as the Chinese Government is concerned, are politically suspect, also require discussion. Human Rights Watch further urges that the United Nations Committee on the Rights of the Child begin immediate contacts with Chinese authorities to secure the release of Gendun Choeyki Nyima, the child recognized by the Dalai Lama as the reincarnation of the Panchen Lama.

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RIGHTS OF THE CHILD

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11071 (E)

Child soldiers and an optional protocol to the Convention on the Rights of the Child

1. As many as 250,000 children around the world, some as young as eight years old, have been recruited, often by force, into government armies or armed rebel groups. In over 30 countries, these young combatants are both the tools and the casualties of adult hatreds.

2. These young combatants are not only subject to grave physical risk, but are all too often encouraged or even forced to commit barbaric acts. Considered dispensable, child soldiers are often sent to the front lines of combat, or sent into minefields ahead of older troops. Those who survive their experience are frequently physically and psychological scarred, and unprepared to live in and contribute to a peaceful society. More than their adult counterparts, these children require extensive social and psychological rehabilitation after their participation in hostilities.

3. Human Rights Watch has conducted field investigations and issued reports on the use of child soldiers in Liberia, the Sudan, and Uganda. We have also reported on the use of child soldiers in internal conflicts in Angola, Myanmar, El Salvador, Ethiopia, Mozambique and Peru. After interviewing scores of child soldiers, we have concluded that no child under the age of 18 should take part in hostilities or be recruited, either compulsorily or voluntarily into armed forces.

4. Human Rights Watch urges the Commission to support the adoption of an optional protocol to the Convention on the Rights of the Child that includes the following provisions:

(a) A prohibition on the participation in hostilities by persons under the age of 18 whether directly or indirectly;

(b) A prohibition on compulsory or voluntary recruitment of persons under 18 into government armed forces;

(c) A prohibition on the recruitment of persons under 18 into non-governmental armed groups involved in hostilities, and the obligation by States parties to take all feasible measures to prevent such recruitment.

The abduction of children by the Lord's Resistance Army in northern Uganda

5. One of the most extreme examples of the growing trend towards the use of child soldiers is the abduction, torture, rape and killing of Ugandan children by the LRA, an armed rebel group operating in northern Uganda and southern Sudan which seeks to overthrow the Uganda Government.

6. Human Rights Watch investigated the abduction of children by the LRA in 1997 and issued its findings in a report, *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda*. Caught in the midst of conflict between the Ugandan and Sudanese Governments, the LRA and SPLA, thousands of Ugandan boys and girls, some as young as eight, have been stolen from their homes and forced to become LRA rebel soldiers. To date, preliminary figures gathered by UNICEF indicate that 1,612 children

(1,259 boys, and 353 girls), reported abducted from the districts of Gulu and Kitgum alone, remain missing. Thousands of others have returned, and an unknown number are dead or still in captivity.

7. Captive children are made to participate in the killings of other children who are caught trying to escape. Children are forced to carry heavy loads as they are marched off to southern Sudan where the LRA has its base camps, supported by the Sudanese Government. Those who cannot keep up, who resist or complain, or who fall in from exhaustion and hunger are beaten or killed.

8. In the bush in the Sudan, a shortage of food and water reduces many children to eating leaves for survival; deaths from dysentery, hunger and thirst are frequent. Once they reach the LRA camps, younger children are forced to run errands, fetch water or cultivate the land. Girls as young as 12 are given to rebel commanders as "wives", and live as sexual slaves. Children who do not perform their assigned tasks to the rebels' satisfaction are beaten. Failed escape attempts continue to be punished by death, and successful escape attempts lead to retaliation: if one sibling escapes, the rebels often kill the other sibling, or return to the child's home village and slaughter any surviving relatives.

9. All the children are trained as soldiers, taught to use guns and to march. The children are forced to help raid and loot villages, help abduct other children and fight, both in Uganda (against the Ugandan army) and the Sudan (against the SPLA). When the rebels fight against the Ugandan government army, they force the captive children to the front; children who hang back or refuse to fire are beaten or killed by the rebels, while those who run forward may be mown down by government bullets.

10. We call on:

(a) The United Nations Committee on the Rights of the Child and the Secretary-General's Special Representative on the impact of armed conflict on children to conduct on-site investigations into the abduction, killing, torture and sexual abuse of children by the Lord's Resistance Army;

(b) The United Nations Special Rapporteur on the situation of human rights in the Sudan to investigate and report on the role of Sudan in supporting the LRA, with special attention to the LRA's abduction, killing, torture and sexual abuse of children;

(c) The United Nations Special Rapporteur on the sale of children, child prostitution and child pornography to investigate the enslavement of children by the LRA;

(d) The Working Group on Enforced or Involuntary Disappearances to investigate the abduction of children by the LRA;

(e) The Commission to urge the Government of the Sudan to cease all military aid and other support to the LRA and use its influence over the LRA to stop the abduction, killing, torture and sexual abuse of children, and to bring about the immediate release of children held by the LRA;

(f) The government of Uganda to take all possible steps to protect children from abduction and ensure that all children who escape or are captured from the rebels receive prompt and adequate access to medical attention, counselling and rehabilitation services.

Police abuse and arbitrary detention of street children

11. Street children throughout the world are subjected to physical abuse by police or murdered outright, as Governments treat them as a blight to be eradicated, rather than as children to be nurtured and protected. They are frequently arbitrarily detained by police simply because they are homeless, or charged with vague offences such as loitering or vagrancy. Many are tortured and beaten by police and are often held for long periods in poor conditions. Girls are some times sexually abused, coerced into sexual acts, or raped by police. Few advocates speak up for these children, and few street children have family members or concerned individuals willing and able to intervene on their behalf.

12. While street children receive a fair amount of national and international attention, that attention has been focused largely on social, economic and health problems-poverty, lack of education, AIDS, prostitution and substance abuse. With the exception of the massive killings of street children in Brazil and Colombia, often by police, which Human Rights Watch reported on in 1994, very little attention has been paid to the routine police violence and abuse suffered by street children.

13. Human Rights Watch has now carried out field investigations and released detailed reports on police violence against street children in seven countries on four continents: Brazil, Colombia, Sudan, India, Bulgaria, Kenya and Guatemala. In all of these countries children who have not even been charged with a crime are beaten on the street, are arbitrarily detained and beaten in police stations and in some cases, released only upon payment of a bribe to police.

14. Our work has shown, sadly, that this is a worldwide problem that is in urgent need of international attention.

15. We call on:

(a) The Committee on the Rights of the Child to hold a theme day devoted to discussion of police abuse and arbitrary detention of street children, and to urge States parties to the Convention on the Rights of the Child to investigate and end such wrongful conduct;

(b) The Commission to urge UNICEF, in keeping with its mission statement and its emphasis on protection of children, to make police abuse and arbitrary detention of street children a top priority;

(c) The Working Group on Arbitrary Detention to look into reports of arbitrary detention of street children and act to end them; and

(d) The Special Rapporteur on torture to investigate allegations of physical violence against street children.

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FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[9 March 1998]

GE.98-11074 (E)

1. Human Rights Watch urges the Commission to reaffirm the commitment, made by the World Conference on Human Rights in the Vienna Declaration and Programme of Action, that women's human rights are a fundamental part of human rights. The World Conference was of paramount importance to women because, in recognizing the centrality of women's human rights, the international community was compelled to scrutinize and reject the reasons used to justify women's second-class status throughout the world. The Vienna Declaration upheld (i) the universality of human rights, (ii) the indivisibility of political, civil, economic, social and cultural rights, and (iii) the applicability of human rights principles to pervasive violence and other human rights violations by private actors. Despite the strides made in Vienna, violence against women pervades every culture and discrimination is a daily element in most women's lives. Five years on, the international community has failed to implement effective measures to end gender-based discrimination and prevent violence against women.

2. Within the United Nations itself, for example, the Vienna Declaration called on the Commission on the Status of Women to "quickly examine" establishing, through an optional protocol, a woman's ability to enforce the rights protected by the Convention on the Elimination of All Forms of Discrimination against Women at the international level. While an optional protocol has been drafted, we cannot ignore that it has not yet been adopted, leaving women without any direct way to challenge gender-based discrimination and violence. Furthermore, despite a call to strengthen international mechanisms and to foster cooperation among States to stop international trafficking in women and girls, and a subsequent report by the Special Rapporteur on violence against women, its causes and consequences, emphasizing the need for such action, no substantive measures had been taken. Finally, while 160 countries have acceded to the Convention a seemingly substantial step towards the goal of universal ratification the effectiveness of the Convention remains seriously compromised by the number and breadth of reservations.

3. States have not acted effectively to curb violence against women by State representatives. Women in custody remain particularly vulnerable to violence. Both women who are political prisoners, as well as those accused of common crimes, are subject to rape and sexual assault. The overwhelming State response is indifference to this violence. Too often, authorities dismiss the claims of individuals who report such assaults as lacking credibility and even retaliate against them with more threats and abuse. Human Rights Watch has received reports from around the world of rape by border police, by military police, by national guard personnel and by correction officers. In conflict situations, rape continues to be deployed as a military strategy. In both the former Yugoslavia and Rwanda, women were subjected to sexual violence including rape by individuals, gang rapes, rapes with objects such as sharpened sticks or guns, sexual mutilation and sexual slavery. Compounding the horror of these crimes against humanity is that in both Rwanda and the former Yugoslavia, commanders who were responsible were almost never charged or brought to justice for their crimes.

4. Equally disturbing is the failure of many countries to address violence against women by private actors. Human Rights Watch recently investigated the State response to gender-based violence in Pakistan, Peru, the Russian Federation and South Africa. In each country, we found that the

State's response to the violence was inadequate at best or discriminatory and abusive at worse. Access to justice was blocked or made extremely difficult by every actor in the legal process, from the police to the forensic doctors, prosecutors and judges. In many cases, survivors who lodged complaints of domestic violence confronted hostile and unsympathetic authorities who refused to acknowledge the gravity of the assaults, routinely dismissed the assaults as deserved or a result of provocation, and ultimately denied complainants protection and redress. These practices reflect both inadequate laws as well as discriminatory and prejudiced practices on the part of State authorities.

5. In Peru, women reported to Human Rights Watch that they were told by the police, prosecutors and justices of the peace that they "deserved" to be beaten for being disobedient, stubborn or refusing sex with their partners. Women who reported sexual assaults were routinely required to undergo official forensic medical examinations in order to obtain corroborating evidence. Geographic and financial obstacles often prevented women from obtaining such examinations, thus ending any hope of prosecution. When women were able to see official forensic doctors, the examinations were conducted in an unsanitary manner by inadequately trained and equipped doctors, whose attitude toward the women was suspicious and accusatory.

6. In the Russian Federation and Peru, doctors tended to focus on the issue of whether the victim had been a virgin before the sexual assault, and routinely examined the condition of the victim's hymen with a view to deciphering her sexual history. Some doctors even claimed that they could not find any evidence of rape unless the woman they examined was a virgin. Similarly, in Pakistan, the forensic reports include a determination as to whether the victim was "habituated to sex".

7. Yet worldwide, government indifference allows perpetrators to operate in an atmosphere of impunity. The World Health Organization reported in 1996 that in 24 countries across four continents, 20 to 50 per cent of adult women had been victims of domestic violence at some point in their lives, and that in 50 to 60 per cent of these cases, the violence included rape. In addition to domestic violence, sexual assault is a persistent threat to women globally. A 1994 study of Canadian college students found that 23.3 per cent had been the victim of rape or attempted rape. A 1996 American Medical Association report estimated that one in five women is sexually assaulted by the time she reaches 21 years of age. In Peru, women' s rights activists estimate that 25,000 women are raped every year. In South Africa, the Special Rapporteur on violence gainst women found sexual assault alarmingly widespread.

8. In addition to violence against women, which itself reflects and perpetuates discrimination, systematic discrimination against women persists in myriad forms throughout the world. In contrast to violence against women, which is universally condemned, if infrequently combated, discrimination against women is still publicly and vigorously defended in many countries. Numerous States, including those that have ratified the Convention, continue to maintain and enforce statutory laws that mandate differential and discriminatory treatment of women. In Morocco, women are treated as minors under the law regardless of age. In Nepal, women lobbied unsuccessfully for equal inheritance rights. In Guatemala, husbands may deny permission for their wives to work outside the home. And in the Russian Federation, a labour

law adopted in 1996 denied women the right to work in 400 professions deemed inconsistent with femininity and maternal responsibilities. In many States without such de jure discrimination, de facto discrimination flourishes.

9. From the most extreme examples of discrimination - such as Afghanistan's Taliban issuing edicts which severely restrict women's freedom of movement, access to health care and right to work outside the home and deny women and girls access to education - to widely accepted forms of discrimination such as pregnancy testing of women working in the maquiladora sector in Mexico, the international response has fallen far short of that required by the Vienna Declaration and Programme of Action.

10. Human Rights Watch is deeply concerned by the lack of a strong and coordinated international response to the pervasiveness of violence and discrimination against women. Fifty years after the adoption of the Universal Declaration of Human Rights and five years after the Vienna Conference, rhetoric far outstrips action at the State and international levels.

Recommendations

11. Human Rights Watch urges the Commission on Human Rights to reaffirm the commitment of the United Nations to women's human rights by, inter alia, taking the following steps to end gender-based discrimination and to prevent violence against women:

(a) Call on Member States to ratify the Convention on the Elimination of All Forms of Discrimination against women;

(b) Call on the Commission on the Status of Women to adopt an optional protocol introducing a communications and an inquiry procedure under the Convention on the Elimination of All Forms of Discrimination Against Women;

(c) Initiate a comprehensive examination, at the global level, of current manifestations, mechanics and trends of trafficking in women and, in line with the recommendation of the Special Rapporteur on violence against women, a corresponding assessment of existing international standards pertaining to trafficking, with a view to consolidating, clarifying and updating them;

(d) Call on Member States to explicitly criminalize rape, marital rape and other sexual assaults as crimes against the person; to repeal statutes that allow rapists to avoid criminal penalties by marrying their victims; to vigorously investigate and prosecute sexual violence; to standardize training of forensic doctors and forensic procedures in sexual violence cases; to provide counselling and medical services for victims of sexual violence; and to ensure training for judicial and law enforcement personnel to eliminate gender bias from the investigation and prosecution of sexual violence;

(e) Ensure that the Special Rapporteur on violence against women, its causes and consequences has adequate funds and institutional support to fulfil her mandate.